

MONDAY, APRIL 20, 1922

EIGHTY-SIXTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. George E. Schmidt, Saints Peter and Paul Catholic Church, Chattanooga, Tennessee.

Representative Robinson (Hamilton) led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Garrett; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

ENROLLED BILLS

April 16, 1922

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1169, 2336, 2389, 2452, 2581, 2646, 2723, 2832, 2825 and 2833; House Resolution(s) No(s). 160, 161, 184, 185, 187, 188, 189 and 191; also, House Joint Resolution(s) No(s). 590, 599, 632, 636, 637, 638,

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639, 640, 642, 643, 644, 645, 646, 647, 648, 649, 652, 653, 654, 659 and 662; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1838; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1838** -- Medicare and Medicaid -- Requires inclusion in Medicaid notices about suspension and reinstatement rights. Amends TCA, Title 71, Ch. 5. by \*Cohen.

**CONSENT CALENDAR**

**House Bill No. 2142** -- Public Records -- Permits clerks to keep public record information on computer or removable computer storage media instead of docket books. Amends TCA 18-1-105.

On motion, House Bill No. 2142 was made to conform with Senate Bill No. 1823.

On motion, **Senate Bill No. 1823**, on same subject, was substituted for House Bill No. 2142.

**House Bill No. 1879** -- Estates -- Reclassifies priority of claims against estate of deceased person to include reasonable funeral and burial expenses among those costs which enjoy first priority for payment; such expenses currently classified as third priority. Amends TCA 30-2-317.

**House Bill No. 2223** -- Veterans -- Creates World War II Tennessee Maneuvers Commission; appropriates funds.

On motion, House Bill No. 2223 was made to conform with Senate Bill No. 2438.

On motion, **Senate Bill No. 2438**, on same subject, was substituted for House Bill No. 2223.

**House Bill No. 2143** -- Medicare and Medicaid -- Requires inclusion in Medicaid notices about suspension and reinstatement rights. Amends TCA, Title 71, Ch. 5.

On motion, House Bill No. 2143 was made to conform with Senate Bill No. 1838.

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On motion, **Senate Bill No. 1838**, on same subject, was substituted for House Bill No. 2143.

**House Bill No. 2477** -- Financial Disclosure -- Changes reporting date to December 31 for campaign financial reports due in December; changes filing date for such reports to January 31. Amends TCA, Title 2, Ch. 10, Pt. 1.

On motion, House Bill No. 2477 was made to conform with Senate Bill No. 2584.

On motion, **Senate Bill No. 2584**, on same subject, was substituted for House Bill No. 2477.

**\*House Joint Resolution No. 0567** -- Highway Signs -- "Edward Nave Memorial Drive," road to Cloverbottom Development Center.

**\*House Joint Resolution No. 0610** -- Highway Signs -- "Charlie B. Qualls Bridge," Perry County.

**\*House Resolution No. 0175** -- General Assembly, Studies -- Creates house committee to study mandatory drug and alcohol testing of hospital workers.

**\*House Joint Resolution No. 0622** -- General Assembly, Studies -- Creates committee to study imposition of annual registration tax on certain freight motor vehicles.

**\*House Joint Resolution No. 0631** -- General Assembly, Studies -- Creates special joint committee to study banking laws, practices and procedures.

**Senate Joint Resolution No. 0070** -- General Assembly, Studies -- Continues SJR 334 to study tax system.

**House Resolution No. 0192** -- Memorials, Interns -- Jonathan H. Freeman.

**House Resolution No. 0193** -- Memorials, Public Service -- J. D. Kennedy, 1992 Heart Award recipient.

**House Resolution No. 0194** -- Memorials, Public Service -- Elder Edward Lesley Stanton, Sr.

**House Resolution No. 0195** -- Memorials, Public Service -- Edward Stanton, Jr.

**House Resolution No. 0196** -- Memorials, Personal Achievement -- Kristin Reiners, 1992 American Legion School award recipient.

**House Joint Resolution No. 0674** -- Memorials, Sports -- James Bradley Tennyson.

**House Joint Resolution No. 0675** -- Memorials, Death -- Doug McCadams of McKenzie.

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**House Joint Resolution No. 0676 -- Memorials, Heroism -- Travis Johnson.**

**House Joint Resolution No. 0677 -- Memorials, Death -- Ed Laney Brashear.**

**House Bill No. 2851 -- Anderson County -- Designates trial justice court as general sessions court. Amends Chapter 459, Private Acts of 1947, as amended.**

**House Bill No. 2845 -- McNairy County -- Enacts wheel tax.**

**House Bill No. 2334 -- Municipal Government -- Authorizes municipalities by ordinance to operate or contract to operate elder care centers and/or child care centers. Amends TCA, Title 6.**

**Senate Joint Resolution No. 0392 -- Memorials, Death -- Delores Jean Terrell Haledy.**

**Senate Joint Resolution No. 0393 -- Memorials, Death -- Ludella Beddingfield.**

**Senate Joint Resolution No. 0446 -- Memorials, Professional and Business Achievement -- Doss Eugene Thorn, Sawney Webb award recipient.**

**Senate Joint Resolution No. 0447 -- Memorials, Personal Occasion -- Mr. and Mrs. C.S. Jasper, 50th wedding anniversary.**

**Senate Joint Resolution No. 0449 -- Memorials, Sports -- Moore County High School girls' basketball team.**

**Senate Joint Resolution No. 0453 -- Memorials, Recognition and Thanks -- City of Oak Ridge, 50th Anniversary.**

**Senate Joint Resolution No. 0455 -- Memorials, Personal Occasion -- Mr. and Mrs. William T. Hankins, 50th wedding anniversary.**

**Senate Joint Resolution No. 0459 -- Memorials, Death -- Joseph Ryan, Jr.**

**Senate Joint Resolution No. 0462 -- Memorials, Recognition and Thanks -- Cordelia Martin.**

**Senate Joint Resolution No. 0465 -- Memorials, Recognition and Thanks -- Students from Princeton Arts Center for mural "Thanks for Our Freedom".**

**Senate Joint Resolution No. 0466 -- Memorials, Recognition and Thanks -- Elder Ben B. Banks.**

**\*House Joint Resolution No. 0593 -- General Assembly, Studies -- Creates ad hoc committee to study and develop used oil reclamation program.**

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1879; by Rep. Chiles.

House Joint Resolution No. 622: by Rep. Chiles.

House Joint Resolution No. 676: by Rep. Ridgeway.

Under the rules, House Bill(s) No(s). 1879; also, House Joint Resolution(s) No(s). 622 and 676 was/were placed at the foot of the Calendar for Wednesday, April 22, 1992.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

\*House Bill No. 1934 -- Sexual Offenses -- Requires person arrested for offense of prostitution to submit to HIV tests; requires person to pay \$100 for test if convicted; establishes procedure for notifying person of test results. Amends TCA, Title 39, Ch. 13, Pt. 5.

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Further consideration of House Bill No. 1934, previously considered on April 1, 6 and 13, 1992. On April 1, Amendments 1 and 2 were adopted; on April 13 it was reset to the Calendar for April 20, 1992.

Rep. Joyce moved that House Bill No. 1934 be passed on third and final consideration.

Rep. Joyce moved to amend as follows:

**Amendment No. 3**

Amend House Bill No. 1934 by deleting the following language in Section 1 Part (a)

"or by the county health department of the county wherein such defendant is convicted. The court shall require such defendant to pay the sum of one hundred dollars (\$100) for the cost of the test."

and by substituting the following language in lieu thereof:

"at the expense of the defendant. The defendant shall obtain a confirmatory test when necessary. The defendant shall be referred to appropriate counseling. The defendant shall return a certified copy of the results of all tests to the court. The court shall examine results in camera and seal the record."

and by deleting part (b) of Section 1 in its entirety.

and by further amending Section 1 Part (c) by adding the following language:

"The department of health shall promulgate rules designating the proper test method to be used for this purpose.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Joyce moved that **House Bill No. 1934**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent,

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Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1934 and have this statement entered in the Journal.

Rep. Gary Odom

### **REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2047 -- Day Care --** Authorizes the child care facilities loan guarantee corporation to receive and disburse funds for the purpose of making grants to or on behalf of child care facilities. Amends TCA, Title 4, Ch. 37.

Rep. Purcell moved that House Bill No. 2047 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 2047 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-37-101(a), is amended by deleting the words "loan guarantee".

#### **SECTION 2.**

(a) Tennessee Code Annotated, Section 4-37-103(a), is amended by deleting the words, symbols, and figures "and two (2) appointed directors," and by substituting instead the following:

four (4) appointed directors: two (2) of whom shall be appointed by the governor to represent Tennessee business and industry at large, and

(b) Tennessee Code Annotated, Section 4-37-103(b), is amended by adding the following sentence:

The other two (2) appointed members shall also serve regular terms of four (4) years.

(c) Tennessee Code Annotated, Section 4-37-103(e), is amended by deleting the words, figures, and symbols "Four (4) of the directors" and "four (4) directors" and by respectively substituting the words, figures, and symbols "Five (5) of the directors" and "five (5) directors".

### SECTION 3.

(a) Tennessee Code Annotated, Section 4-37-104, is amended by deleting the words and punctuation "through the guaranteeing of loans from the private sector which otherwise would not be made," and by substituting instead the following:

through the guaranteeing of loans, from the private sector; through direct issuance of loans, at a rate of interest determined by the board; and, in cases of local education agencies and local governments, through issuance of grants;

(b) Tennessee Code Annotated, Section 4-37-104(3), is amended by deleting the words "guaranteeing loans" and by substituting instead the following:

guaranteeing loans, directly issuing loans, and making grants

(c) Tennessee Code Annotated, Section 4-37-104(4), is amended by deleting the words "loan guarantee program" and by substituting instead the word "programs".

### SECTION 4.

(a) Tennessee Code Annotated, Title 4, Chapter 37, Part 1, is amended by deleting the words "loan guarantee fund" wherever such words appear sequentially and by substituting instead the words "child care facilities fund".

(b) Tennessee Code Annotated, Title 4, Chapter 37, Part 1, is further amended by deleting the words "child care facilities loan guarantee account" wherever such words appear sequentially and by substituting instead the words "child care facilities account".



SECTION 5.

(a) Tennessee Code Annotated, Section 4-37-106(c), is amended by deleting the words "guaranteeing loans" and by substituting instead the words "guaranteeing or directly issuing loans".

(b) Tennessee Code Annotated, Section 4-37-107, is amended by deleting the final period "." and by substituting instead the following:

or may provide a direct loan to the applicant or, in cases of local education agencies and local governments, may provide a grant.

SECTION 6.

(a) Tennessee Code Annotated, Section 4-37-108, is amended by deleting the words "guarantee a loan made to an applicant" and by substituting instead the following:

guarantee a loan made to an applicant, issue a loan directly to an applicant, or issue a grant to an applicant local education agency or local government

(b) Tennessee Code Annotated, Section 4-37-108(2), is amended by deleting the words "The loan" and by substituting instead the words "The loan or grant".

(c) Tennessee Code Annotated, Section 4-37-108(3), is amended by deleting the words "a loan guarantee clearly states that such guarantee" and by substituting instead the words "a loan guarantee or a direct loan clearly states that such guarantee or loan".

SECTION 7. Tennessee Code Annotated, Section 4-37-109(b), is amended by deleting the words "loan guarantee assistance" wherever such words appear sequentially and by substituting instead the words "assistance".

SECTION 8. Tennessee Code Annotated, Section 4-37-114, is amended by deleting the words "individual loan guarantees" and by substituting instead the words "individual direct loans and loan guarantees".

SECTION 9. Tennessee Code Annotated, Section 4-37-115(a), is amended by deleting the words "for guarantees of loans" and by substituting instead the words "for making grants, direct loans, and guarantees of loans".

SECTION 10. Tennessee Code Annotated, Section 4-37-116, is amended by deleting the words "loan guarantee" wherever such words appear sequentially and by substituting instead the words "loan guarantee, direct loan, or grant".

SECTION 11. This act shall take effect on July 1, 1992, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 2047**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 2517** -- Consumer Protection -- Clarifies that unfair or deceptive acts or practices in the conduct of a trade or business are unlawful. Amends TCA, Title 47, Ch. 18, Pt. 1.

On motion, House Bill No. 2517 was made to conform with Senate Bill No. 2297.

On motion, **Senate Bill No. 2297**, on same subject, was substituted for House Bill No. 2517.

Rep. Purcell moved that **Senate Bill No. 2297** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

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Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

#### **REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2297 and have this statement entered in the Journal.

Rep. Mike Kernell

#### **REGULAR CALENDAR, CONTINUED**

**\*House Resolution No. 0159** -- General Assembly, Review Or Ratification of Rules -- Approves amendments to Rules of Civil Procedure.

Rep. Purcell moved that House Resolution No. 159 be reset to the next available space on the Calendar for Wednesday, April 22, 1992, which motion prevailed.

**House Bill No. 2462** -- Public Service Commission -- Requires candidates to be qualified voters in grand division from which seek election. Amends TCA 65-1-102.

Rep. Moore moved that House Bill No. 2462 be reset to the Calendar for Wednesday, April 22, 1992, which motion prevailed.

**House Bill No. 2213** -- Uniform Commercial Code -- Provides for additional \$10.00 fee to be charged for UCC filing amendments, assignments, continuations, terminations or releases. Amends TCA, Title 47, Ch. 9, Pt. 4.

On motion, House Bill No. 2213 was made to conform with Senate Bill No. 1837.

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On motion, **Senate Bill No. 1837**, on same subject, was substituted for House Bill No. 2213.

Rep. Collier moved that **Senate Bill No. 1837** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	56
Noes. . . . .	34

Representatives voting aye were: Anderson, Bell, Bivens, Bragg, Buck, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Head, Hillis, Holt, Huskey, Jackson, Johnson, Kernell, Knight, Love, McAfee, McKee, Meyer, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Whitson, Williams (Shelby), Winningham, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Allen, Arriola, Bittle, Byrd, Callicott, Chiles, Coffey, Duer, Hargrove, Harrill, Hassell, Haun, Hill, Hubbard, Jones R (Shelby), Joyce, Kent, Liles, McDaniel, Niceley, Nuber, Peroulas Draper, Phillips, Robinson (Washington), Severance, Shirley, Sipes, Tullos, Venable, Walley, West, Williams (Union), Windle, Wood -- 34.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1837 and have this statement entered in the Journal.

Rep. Gary Johnson

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1837 and have this statement entered in the Journal.

Rep. Doug Gunnels

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1837 and have this statement entered in the Journal.

Rep. Ken Meyer

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1837 and have this statement entered in the Journal.

Rep. Zane Whitson

REGULAR CALENDAR, CONTINUED

House Bill No. 2035 -- Civil Procedure -- Permits opening of sealed medical records if subpoena for such records directs attendance at civil deposition where patient's medical condition is relevant. Amends TCA, Title 68, Ch. 11, Pt. 4.

On motion, House Bill No. 2035 was made to conform with Senate Bill No. 1708.

On motion, Senate Bill No. 1708, on same subject, was substituted for House Bill No. 2035.

Rep. Chumney moved that Senate Bill No. 1708 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1708 by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-404, is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) Upon receipt of a subpoena, the custodian shall send the records to the attorney responsible for the issuance of the subpoena at the place, and on or before the date designated in the subpoena, if such subpoena:

(1) States conspicuously [sic] on its face that the records are required in a tort action or proceeding in which the plaintiff has raised the issue of the plaintiff's physical or emotional condition; and

(2) Directs the custodian's attendance at a deposition [sic].

The attorney responsible for the issuance of the subpoena need not meet the requirements of subsection

(a) of this section before opening the sealed records, if the attorney furnishes a copy of the records to the plaintiff or someone authorized on the plaintiff's behalf to receive them.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Chumney moved that **Senate Bill No. 1708**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

**\*House Bill No. 2029** -- Food and Food Products -- Provides for the safe and sanitary distribution of lawfully harvested deer meat donated to anti-hunger organizations; limits civil liability of donor and recipient. Amends TCA, Title 53.

Rep. Chumney moved that House Bill No. 2029 be reset to the Calendar for Wednesday, April 22, 1992, which motion prevailed.

**\*House Bill No. 2117** -- Workers' Compensation -- Authorizes injured employees with temporary total disability to receive greater amount than established by law, with such greater amount deducted from any later workers' compensation award or settlement. Amends TCA, Title 50, Ch. 6, Pt. 2.

On motion, House Bill No. 2117 was made to conform with Senate Bill No. 2435.

On motion, **Senate Bill No. 2435**, on same subject, was substituted for House Bill No. 2117.

Rep. Liles moved that **Senate Bill No. 2435** be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2435 by adding the following new subsection to the amendatory language of SECTION 1:

(c) The provisions of this section shall be applicable to employees of municipalities, counties, and other governmental entities.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Liles moved that **Senate Bill No. 2435**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	3

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Nuber, Tullos, Whitson -- 3

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2435 and have this statement entered in the Journal.

Rep. Zane Whitson

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2435 and have this statement entered in the Journal.

Rep. Bobby Wood

REGULAR CALENDAR, CONTINUED

**House Bill No. 2325** -- Tobacco, Tobacco Products -- Restricts vending machines for tobacco products to areas inaccessible to minors unless machine is supervised by an adult; exempts blind vendors; allows more stringent local control. Amends TCA, Title 39, Ch. 15, Pt. 4.

Rep. Liles moved that House Bill No. 2325 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2325 by deleting from subdivision (3) of subsection (a) of the amendatory language of Section 1 the words "the constant observation" and substituting instead the words "the general supervision".

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 to Amendment No. 1 as follows:

**Amendment No. 1 to Amendment No. 1**

Amend House Bill No. 2325 by deleting from Section 1(a)(3) the language "constant observation" and by substituting instead the language "supervision and reasonable observation".

On request of Rep. Liles, House Bill No. 2325 was moved down 5 places on the Calendar.

**\*House Bill No. 0126** -- Welfare -- Makes misuse of names of persons receiving old age assistance Class B misdemeanor. Amends TCA, Title 71.

Rep. Odom moved that House Bill No. 126 be reset to the Calendar for Wednesday, April 22, 1992, which motion prevailed.



**\*House Joint Resolution No. 0520** -- General Assembly, Directed Studies -- Directs the department of health to examine and report on all obstacles preventing greater utilization of nurse midwives in certain areas of the state that suffer acute shortages of physician provided prenatal and delivery services.

Rep. Pruitt moved that House Joint Resolution No. 520 be adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 520 by deleting the word "direct" in the first resolving clause wherever it may be found and substituting in lieu thereof the word "urge".

And further amend by deleting part (2) of the first resolving clause in its entirety.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Pruitt moved that **House Joint Resolution No. 520**, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2115** -- Hazardous Materials -- Requires the Tennessee Emergency Management Agency to keep records of accidents for three years; authorizes fees for copying and other costs for persons who want access to records. Amends TCA, Title 58, Ch. 2, Pt. 3.

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Rep. Callicott moved that House Bill No. 2115 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2115 by deleting all the language following the enacting clause in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 58, Chapter 2, Part 3, is amended by adding the following new section to be appropriately designated:

Section \_\_\_\_\_. The county legislative body or the county emergency management agency (or other body authorized by the county legislative body) is authorized to take such steps as necessary to remove or abate any discharge of hazardous substances associated with a transportation incident or an emergency spill within the county or to contract with a private entity for removal of the same; and, further, have the authority to recover costs from any person or persons responsible for causing a discharge of hazardous substances that requires emergency action.

For the purposes of this section, "costs" means those necessary and reasonable costs incurred by the county legislative body or emergency management agency or its authorized agents in connection with removing or abating hazardous substance discharges, provided that to the extent criteria and methods for response actions prescribed under 40 CFR 300, as amended, may be applied to the type of material involved and the conditions of the spill, release or discharge, such costs shall only apply if those criteria were employed in the county's response and "hazardous substance" means any substance as defined in Tennessee Code Annotated, Section 68-27-102(9).

Section 2. This act shall take effect on July 1, 1992, the public welfare requiring it.

Rep. Callicott moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

**Amendment No. 1 to Amendment No. 1**

Amend House Bill No. 2115 by adding the following to the end of the first paragraph of the amendatory language of Section 1:

Provided, however, that this section shall not apply to a person, as defined Tennessee Code Annotated, Section 68-46-104, or a liable party, as defined in Tennessee Code Annotated, Section 68-46-202, operating under a permit or an order issued by the department of environment and conservation.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Love renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Callicott moved that **House Bill No. 2115**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1000** -- Ethics -- Prohibits acceptance of honoraria by public officials and employees. Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6.

Further consideration of House Bill No. 1000, previously considered on April 15, 1992, at which time it was reset to the Calendar for April 20, 1992.

Rep. Jackson moved that House Bill No. 1000 be reset to the Calendar for Wednesday, April 22, 1992, which motion prevailed.

**\*House Joint Resolution No. 0547** -- Constitutional Conventions -- Proposes amendment to Article XI, Section 5, relative to income taxation and lotteries.

On motion, **Amendment No. 1** was withdrawn.

On motion, House Joint Resolution No. 547 was made to conform with Senate Joint Resolution No. 331.

On motion, **Senate Joint Resolution No. 331**, on same subject, was substituted for House Joint Resolution No. 547.

On request of Rep. Chumney, Senate Joint Resolution No. 331 was moved down 3 places on the Calendar.

**House Bill No. 2325** -- Tobacco, Tobacco Products -- Restricts vending machines for tobacco products to areas inaccessible to minors unless machine is supervised by an adult; exempts blind vendors; allows more stringent local control. Amends TCA, Title 39, Ch. 15, Pt. 4.

Having been discussed earlier, Rep. Gunnels moved that **Amendment No. 1 to Amendment No. 1** be withdrawn, which motion prevailed.

Rep. Rhinehart moved that **Amendment No. 1** be withdrawn, which motion prevailed.

Having voted on the prevailing side, Rep. Rhinehart moved to reconsider our action on Amendment No. 1 to Amendment No. 1, which motion prevailed.

Rep. Rhinehart moved to adopt Amendment No. 2 as follows:

#### **Amendment No. 2**

Amend House Bill No. 2325 by deleting from Section 1(a)(3) the language "constant observation" and by substituting instead the language "supervision and reasonable observation".

On motion, Amendment No. 2 was adopted.

Rep. Haun moved to amend as follows:

#### **Amendment No. 3**

Amend House Bill No. 2325 by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. No municipality may impose any requirement or prohibition concerning the sale or distribution of tobacco products by vending machine in addition to the requirements and prohibition imposed by this act.

Rep. Coffey moved that Amendment No. 3 be tabled, which motion failed.

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Thereupon, Rep. Haun renewed the motion to adopt Amendment No. 3.

Rep. Bell moved the previous question, which motion prevailed.

On motion, Amendment No. 3 was adopted by the following vote:

Ayes. . . . .	50
Noes. . . . .	38
Present and not voting. . . . .	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Callicott, Chiles, Cole, Collier, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Harrill, Haun, Head, Hill, Hillis, Holt, Huskey, Johnson, Jones U (Shelby), Kent, McDaniel, Meyer, Napier, Niceley, Peroulas Draper, Phillips, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Turner (Hamilton), Turner (Shelby), Venable, Whitson, Williams (Union), Windle, Wix -- 50.

Representatives voting no were: Allen, Anderson, Bivens, Bragg, Byrd, Chumney, Clark, Coffey, Crain, Curlee, Fowlkes, Halteman, Hassell, Herron, Holcomb, Hubbard, Jackson, Kernell, Kisber, Knight, Liles, Love, McAfee, McKee, Moore, Odom, Pruitt, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Tullos, Walley, West, Williams (Shelby), Winningham, Wood -- 38.

Representatives present and not voting were: Nuber, Mr. Speaker Naifeh -- 2.

Rep. Haun moved that Amendments Nos. 4 through 10 be withdrawn, which motion prevailed.

On request of Rep. Liles, House Bill No. 2325 was moved to the heel of the Calendar.

**\*House Bill No. 2816** -- Hospitals and Health Care Facilities -- Extends termination date of annual nursing home services fee and hospital services fee from June 30, 1992 to September 30, 1992. Amends TCA, Title 33, Ch. 2; Titles 63, 67; Title 68, Ch. 11; Title 71, Ch. 5.

Rep. Purcell moved that House Bill No. 2816 be reset to the next available space to the Calendar for Wednesday, April 22, 1992, which motion prevailed.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2424; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**Senate Bill No. 2424** -- Hospitals and Health Care Facilities -- Add "hospice" to definition of "health related facilities". Amends TCA, Title 68. by \*Ford.

**REGULAR CALENDAR, CONTINUED**

**\*Senate Joint Resolution No. 0331** -- Constitutional Amendments -- Proposes amendment to Art. XI, Sec. 5, relative to income taxation and lotteries.

Having been discussed earlier today, the Clerk read Senate Joint Resolution No. 331 as proscribed by Article XI, Section 3 of the Constitution. The Speaker declared Senate Joint Resolution No. 331 had passed First Reading. Rep. Chumney moved that Senate Joint Resolution No. 331 be reset to the Calendar for Wednesday, April 22, 1992, which motion prevailed.

**House Bill No. 0979** -- Contractors -- Makes general contractors provisions applicable statewide. Amends TCA 62-6-102.

Rep. Kent moved that House Bill No. 979 be reset to the Calendar for Thursday, April 23, 1992, which motion prevailed.

**House Bill No. 2197** -- Law Enforcement -- Requires in all circumstances written approval of minor's parent or legal guardian and juvenile court before using minor to perform illegal acts to aid in enforcement of state laws. Amends TCA, Title 39, Ch. 15.

On motion, House Bill No. 2197 was made to conform with Senate Bill No. 2178.

On motion, **Senate Bill No. 2178**, on same subject, was substituted for House Bill No. 2197.

Rep. Williams (Shelby) moved that **Senate Bill No. 2178** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton),

Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2572** -- Savings and Loan Associations -- Extends present law concerning payment from bank accounts and safe deposit boxes when no executor or administrator has qualified, also applies to federal and state savings and loan associations, savings banks, industrial loan and thrift companies and credit unions. Amends TCA, Title 45, Ch. 2.

Rep. Williams (Shelby) moved that **House Bill No. 2572** be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2572 by deleting from the amendatory language of Section 1 the language "industrial loan and thrift companies" wherever it may appear.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Williams (Shelby) moved that **House Bill No. 2572**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2573** -- Home Improvement Contractors -- Authorizes issuance of citations for engaging in practice of home improvement without license. Amends TCA, Title 62, Ch. 37.

On motion, House Bill No. 2573 was made to conform with Senate Bill No. 2512.

On motion, **Senate Bill No. 2512**, on same subject, was substituted for House Bill No. 2573.

Rep. Williams (Shelby) moved that **Senate Bill No. 2512** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Williams (Shelby) moved that **Senate Bill No. 2512** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	7
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Coffey, Duer, Givens, Harrill, Peroulas Draper, Whitson, Williams (Union) -- 7.

Representatives present and not voting were: Holcomb, Napier, Rigsby, Venable -- 4.

A motion to reconsider was tabled.

**House Bill No. 2128** -- Health -- Creates select committee on health care of ten members, at least two from each finance and general welfare committee; provides duties relative to comprehensive plans and provisions so each Tennessean can obtain equal quality and affordable health care.

Rep. Jackson moved that House Bill No. 2128 be reset to the Calendar for Thursday, April 23, 1992, which motion prevailed.



**\*House Joint Resolution No. 0471 -- Highway Signs --**  
Hendersonville Chamber of Commerce, Vietnam Veterans Boulevard [SR 386].

Rep. Stamps moved that House Joint Resolution No. 471 be adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 471 by adding the following new resolving clause following the first existing resolving clause:

BE IT FURTHER RESOLVED, that this resolution shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this resolution shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Stamps moved that **House Joint Resolution No. 471**, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Bragg -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0472 -- Highway Signs --** Directs department of transportation to number exits on Vietnam Veterans Boulevard [SR 386].

Rep. Stamps moved that House Joint Resolution No. 472 be adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 472 by adding the following new resolving clause following the first existing resolving clause:

BE IT FURTHER RESOLVED, that this resolution shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this resolution shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Stamps moved that **House Joint Resolution No. 472**, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Love -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0473** -- Highway Signs -- Country Hills Golf Course and Hendersonville First Baptist Church, Vietnam Veterans Boulevard [SR 386].

Rep. Stamps moved that House Joint Resolution No. 473 be adopted.

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Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 473 by adding the following new resolving clause following the first existing resolving clause:

BE IT FURTHER RESOLVED, that this resolution shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this resolution shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved to amend as follows:

**Amendment No. 2**

Amend House Joint Resolution No. 473 by deleting in the first resolving clause the language "and Hendersonville First Baptist Church".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Stamps moved that **House Joint Resolution No. 473**, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	79
Noes. . . . .	9
Present and not voting. . . . .	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 79.

Representatives voting no were: Collier, Herron, Holt, Jackson, Kisber, Love, Pinion, Ridgeway, Mr. Speaker Naifeh -- 9.

Representatives present and not voting were: Fowlkes, Rigsby, Rinks, Shirley, Turner (Hamilton), Walley -- 6.

A motion to reconsider was tabled.

**House Bill No. 2664** -- Paternity -- Removes requirement that defendant must have not denied paternity in order to be awarded custody of child. Amends TCA 36-2-108.

Further consideration of House Bill No. 2664, previously considered on April 16, 1992, at which time it was reset to the Calendar for April 20, 1992.

Rep. Buck moved that House Bill No. 2664 be passed on third and final consideration.

Rep. Williams (Shelby) moved to amend as follows:

**Amendment No. 1**

AMEND House Bill No. 2664 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-2-108(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Upon the defendant's request and upon the court's finding of the best interest of the child, the court may award custody of the child to the defendant. In making its determination, the court may consider the following factors:

(1) Whether the defendant denied paternity at trial;

(2) Whether before the trial, the defendant had his name listed as the child's father on the child's birth certificate;

(3) Whether the defendant consents for the surname of the child to be changed to that of the defendant in the trial;

(4) Whether the defendant has voluntarily contributed to the support of the child;

(5) Whether the defendant has visited with the child prior to the commencement of the trial;

(6) Whether the defendant has provided dependent health insurance coverage for the child; and

(7) Such other factors which the court finds to be relevant.

On request of Rep. Buck, House Bill No. 2664 was moved to the heel of the Calendar.

**\*Senate Bill No. 2158 -- Adoption -- Removes restriction that final order of adoption must not be entered earlier than one year from date of interlocutory decree. Amends TCA, Title 36, Ch. 1.**

Further consideration of Senate Bill No. 2158, previously considered on April 16, 1992, at which time it was substituted for House Bill No. 2196; Amendment No. 1 was withdrawn; Amendment No. 2 was adopted; Amendment No. 1 was reconsidered, and the bill was reset to the Calendar for April 20, 1992.

Rep. Fowlkes moved that Senate Bill No. 2158, as amended, be passed on third and final consideration.

Thereupon, Rep. Buck moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 2158 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 36-1-111(b) is amended by deleting the words "unless the father has legitimated the child prior to the initiation of proceedings for the adoption of the child".

Section \_\_\_\_\_. Tennessee Code Annotated, Section 36-1-111 is amended by adding the following new subpart (8) to subsection (b):

(8) Any person who has filed a petition to legitimate the child in a court in this state.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Fowlkes moved that **Senate Bill No. 2158**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry,

Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 0368** -- Highway Signs -- "John S. Wilder Bridge," U.S. Highway 641.

Further consideration of Senate Joint Resolution No. 368, previously considered on the Consent Calendar for April 16, 1992, at which time it was reset to the Calendar for April 20, 1992.

Rep. Rinks moved that Senate Joint Resolution No. 368 be reset to the Calendar for Thursday, April 23, 1992, which motion prevailed.

**\*Senate Joint Resolution No. 0367** -- Highway Signs -- "L.H. 'Cotton' Ivy Highway," U.S. 641.

Further consideration of Senate Joint Resolution No. 367, previously considered on the Consent Calendar for April 16, 1992, at which time it was reset to the Calendar for April 20, 1992.

Rep. Rinks moved that Senate Joint Resolution No. 367 be reset to the Calendar for Thursday, April 23, 1992, which motion prevailed.

**\*House Bill No. 1920** -- Hospitals and Health Care Facilities -- Add "hospice" to definition of "health related facilities". Amends TCA, Title 68.

On motion, House Bill No. 1920 was made to conform with Senate Bill No. 2424.

On motion, **Senate Bill No. 2424**, on same subject, was substituted for House Bill No. 1920.

Rep. Kernell moved that **Senate Bill No. 2424** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 2424** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2325** -- Tobacco, Tobacco Products -- Restricts vending machines for tobacco products to areas inaccessible to minors unless machine is supervised by an adult; exempts blind vendors; allows more stringent local control. Amends TCA, Title 39, Ch. 15, Pt. 4.

Having been discussed earlier, Rep. Liles moved that **House Bill No. 2325**, as amended, be passed on third and final consideration.

Rep. Bivens moved to amend as follows:

**Amendment No. 11**

AMEND House Bill No. 2325 by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. A municipality, by a two-thirds (2/3) vote of its governing body, may impose any requirement or prohibition concerning the sale or distribution of tobacco products by vending machine in addition to the requirements and prohibition imposed by this act.

Rep. Haun moved that Amendment No. 11 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	50
Noes. . . . .	39
Present and not voting. . . . .	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Buck, Chiles, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Givens,

Gunnels, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holt, Jones U (Shelby), Kent, King, McDaniel, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Turner (Hamilton), Turner (Shelby), Venable, Whitson, Williams (Union), Windle, Wix -- 50.

Representatives voting no were: Allen, Anderson, Bivens, Bragg, Byrd, Chumney, Clark, Coffey, Curlee, Fowlkes, Halteman, Hassell, Herron, Holcomb, Hubbard, Jackson, Johnson, Jones R (Shelby), Joyce, Kernell, Kisber, Knight, Love, McAfee, McKee, Meyer, Odom, Purcell, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Tullos, Walley, West, Williams (Shelby), Winningham, Wood -- 39.

Representatives present and not voting were: Callicott, Pruitt, Mr. Speaker Naifeh -- 3.

Rep. Liles moved that **House Bill No. 2325** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2664** -- Paternity -- Removes requirement that defendant must have not denied paternity in order to be awarded custody of child. Amends TCA 36-2-108.

Having been discussed earlier, Rep. Buck renewed the motion to adopt Amendment No. 1 to House Bill No. 2664, which motion prevailed.

Rep. Clark moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 2664 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to those petitions which have not been adjudicated after the effective date of this act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that **House Bill No. 2664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . .	94
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Givens, McAfee -- 2.

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE MESSAGE**

**MOTION TO RECONSIDER**

Rep. Rhinehart moved to lift from the table the motion to reconsider Senate Bill No. 1730, which motion prevailed.

**Senate Bill No. 1730** -- Funeral Directors and Embalmers -- Revises certain fees for funeral directors and embalmers; revises authority of commissioner of commerce and insurance to regulate cemeteries. Amends TCA, Title 46; Title 62, Ch. 5, Pt. 4.

Rep. Rhinehart moved to reconsider action in passing Senate Bill No. 1730, which motion prevailed.

Rep. Rhinehart moved that **Senate Bill No. 1730** be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1730 by adding at the end of Section 1 a new, appropriately designated subsection as follows:

( ) The commissioner shall, as authorized by Section 4-5-205, appoint an advisory board of experts in the field of cemetery operation and management service to advise him or her with respect to any contemplated rulemaking under

this section. Such advisory board shall consist of one (1) member from each grand division of the state and two (2) members appointed at-large. Of the members initially appointed one (1) shall serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Such advisory board may make formal recommendations to the commissioner or the general assembly. The advisory board shall annually elect from its members a chairman and necessary officers. Such advisory board members shall serve without compensation and travel expense. This advisory board shall be known as the Cemetery Advisory Board.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Rhinehart moved that **Senate Bill No. 1730**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Herron -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1817** -- Sunset Laws -- Health facilities commission, June 30, 1994. Amends TCA, Title 4, Ch. 29; Title 33, Ch. 5; Title 56, Ch. 7; Title 68, Ch. 11.

**Senate Amendment No. 7**

Amend House Bill No. 1817 by adding between the first and second unnumbered sections of Amendment 2 as follows:

Section \_\_\_\_\_. No certificate of need shall be required for any ambulatory surgical treatment center which is under construction or for the establishment of which a financial outlay has been made or a financial obligation incurred.

**Senate Amendment No. 12**

Amend House Bill No. 1817 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. No provision of this act shall be construed to require a certificate of need for any service, facility, or equipment which was offered, in use or operation [sic] prior to the effective date of this act and for which a certificate of need was not required prior to the effective date of this act.

**Senate Amendment No. 13**

Amend House Bill No. 1817 by adding the following new section before the effective date section and by renumbering the effective date section accordingly:

Tennessee Code Annotated, Section 68-11-106, is amended by adding the following new subsection:

(\_\_\_\_) A hospital with fewer than one hundred (100) licensed beds may increase its total number of licensed beds by ten (10) beds over any period of one (1) year without obtaining a certificate of need. The hospital shall provide written notice of the proposed increase in beds to the commission on forms provided by the commission, simultaneous with the hospital's request for review to the board of licensing health care facilities.

**Senate Amendment No. 14**

Amend House Bill No. 1817 by deleting Tennessee Code Annotated Section 68-11-106(e)(4) in its entirety.

Rep. King moved that the House concur in Senate Amendment(s) No(s). 7, 12, 13 and 14 to **House Bill No. 1817**.

Rep. Copeland requested the Division of the Question on Senate Amendment No. 7 from Senate Amendments Nos. 12, 13 and 14.

**RULING OF THE CHAIR**

The Speaker ruled that the House can divide the Amendments and the vote on the last division would be the final vote on the bill.

**MESSAGE CALENDAR, CONTINUED**

Thereupon, Rep. Bivens moved that House Bill No. 1817 be reset to the Message Calendar for Thursday, April 23, 1992, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2695** -- Sunset Laws -- Tennessee victims coalition, June 30, 2000. Amends TCA, Title 4, Chs. 29, 41.

**Senate Amendment No. 1**

AMEND House Bill No. 2695 by deleting Section 2 in its entirety and by substituting instead the following new Section 2:

SECTION 2. Tennessee Code Annotated, Section 4-29-216(a), is amended by adding a new item thereto, as follows:

( ) Tennessee victims coalition, created by § 4-41-101;

AND FURTHER AMEND by adding the following as new Section 3 and by renumbering Section 3 in the printed bill accordingly:

SECTION 3. Section 3 of Chapter 351 of the Public Acts of 1991 is amended by deleting the language "and shall cease to be effective on July 1, 1993".

**Senate Amendment No. 2**

AMEND House Bill No. 2695 by deleting the amendatory and directory language of SECTIONS 2 and 3 in their entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-215(a), is amended by adding a new item thereto, as follows:

( ) Tennessee victims coalition, created by § 4-41-101;

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 41, Part 1, is amended adding a new section thereto, as follows:

\_\_\_\_\_. (a) The general assembly hereby finds and declares the following:

(1) The coalition created by this chapter is a private nonprofit organization and is not a public body nor instrumentality of the state of Tennessee.

(2) The purpose of creating the coalition by statute was to assist in associating the various victims' rights and victims' support organizations within this state under a common name for the advancement of the needs of all victims of crime and their families.

(3) It was the legislative intent that the state, through resources available from the treasurer's office, provide minimum levels of support in developing and otherwise perfecting the organization of the coalition.

(4) It was further the legislative intent that having met the objectives of this chapter by perfecting the organization of the coalition, that this chapter be repealed, effective July 1, 1993.

(5) Having reviewed the testimony received from the public concerning repeal of this chapter was provided in § 4-29-104, the general assembly hereby finds the coalition is still in its infancy and repeal of this chapter would impede its further development and, accordingly, this chapter is hereby continued for a period of two (2) years, ending on June 30, 1994.

(b) The coalition shall perform the following tasks during the above two-year period:

(1) Prior to January 1, 1993, prescribe the rules and regulations defining the eligibility and qualifications of membership in the coalition.

(2) Prior to July 1, 1993, determine the method of promoting public awareness of the coalition and of affording each victims' right and victims' support group an opportunity to aid in carrying out the objects of the coalition.

(3) Prior to January 1, 1994, determine the method of raising funds to carry out the purposes for which the coalition was established, and provide for a specific method of distribution of the funds of the coalition in the event of its dissolution.

(c) The coalition shall prepare and transmit annually to the house and senate judiciary committees a report on the status of completing the above tasks. The first report shall be due on or before January 1, 1993, and the second report shall be due on or before January 1, 1994.

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(d) It is the legislative intent that the state shall realize no increased cost as a result of this section. All costs associated with this section, including administrative costs, shall be the responsibility of the coalition.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall cease to be effective on July 1, 1994.

Rep. King moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2695**, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1764; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2033; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE  
April 20, 1992**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No. 2434.

The Senate nonconcurred in House Amendment(s) No(s). 1.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE FROM THE SENATE  
April 20, 1992**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2516; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE FROM THE SENATE  
April 20, 1992**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2704; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE FROM THE SENATE  
April 20, 1992**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2712; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**UNFINISHED BUSINESS**

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, as suspended, Senate Bill(s) No(s). 1399 and 2434; also, House Bill(s) No(s). 1764, 2033, 2516, 2704 and 2712 were placed on the Message Calendar for Wednesday, April 22, 1992.

**RULES SUSPENDED**

Rep. Jackson moved that the rules be suspended for the introduction and passage on first consideration of House Bill No. 2867, which motion prevailed.

**House Bill No. 2867** -- Hickman County -- Reduces number of school board members. Repeals Chapter 671, Private Acts of 1929, as amended. by \*Jackson.

**RULES SUSPENDED**

Rep. McDaniel moved that the rules be suspended for the introduction and passage on first consideration of House Bill No. 2866, which motion prevailed.

**House Bill No. 2866** -- Wayne County -- Abolishes litigation tax. Repeals Chapter 332, Private Acts of 1967. by \*McDaniel.

**RULES SUSPENDED**

Rep. Givens moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 1672 can be heard by the Government Operations Committee on Tuesday, April 21, 1992, which motion prevailed.

**RULES SUSPENDED**

On motion of Rep. Hillis, Senate Joint Resolution No. 417 was recalled from the Calendar and Rules Committee and referred to the Conservation and Environment Committee. He further moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 417 could be heard by the Conservation and Environment Committee on Wednesday, April 23, 1992, which motion prevailed.

**RULES SUSPENDED**

Rep. Buck moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 2489 can be heard by the Criminal Practice subcommittee of Judiciary on Wednesday, April 20, 1992, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1000:** Rep(s). Crain, Kisber and Johnson as prime sponsor(s).



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**House Bill No. 1159:** Rep(s). Givens as prime sponsor(s).

**House Bill No. 1651:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 1894:** Rep(s). Coffey and Stamps as prime sponsor(s).

**House Bill No. 1920:** Rep(s). Dixon and Knight as prime sponsor(s).

**House Bill No. 2047:** Rep(s). Dixon as prime sponsor(s).

**House Bill No. 2290:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 2816:** Rep(s). Dixon as prime sponsor(s).

### **INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Joint Resolution No. 0678 --** Memorials, Interns -- Eric L. Bloom. by \*Phillips, \*Turner B, \*Moore.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0679 --** Memorials, Interns -- Amy Elisabeth Ridings. by \*Phillips, \*Turner B, \*Moore.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0680 --** Memorials, Professional and Business Achievement -- Dean Jack Harris Howard. by \*Bell.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0681 --** Memorials, Public Service -- Dr. Francis H. Wright, Jr. by \*Naifeh, \*Windle, \*Ferguson, \*Herron, \*Bragg, \*Kisber, \*Love, \*Davidson, \*Bell, \*Crain, \*Davis Ray, \*Robinson Robb.

Referred by the Speaker to the Calendar and Rules Committee.

### **RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were introduced and referred as noted:

**\*Senate Joint Resolution No. 0450 --** Naming and Designating -- "Victims Rights Week." April 25 - May 2, 1992.

Referred by the Speaker to the Calendar and Rules Committee.

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**\*Senate Joint Resolution No. 0451** -- Memorials, Government Officials -- Requests Postmaster General and Citizens Stamp Advisory Committee to issue commemorative stamp in honor of D.A.R.E. Program.

Referred by the Speaker to the Calendar and Rules Committee.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 2864, 2865 and 2868, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 2864** -- Election Laws -- Limits persons appointed to serve as members of the Davidson County election commission to five consecutive terms. Amends TCA 2-12-101. by \*Love.

**\*House Bill No. 2865** -- Election Laws -- Authorizes Davidson County delegation to consult with Metro Council on nomination of one person to be appointed to county election commission by state election commission. Amends TCA 2-12-103. by \*Love.

**\*House Bill No. 2868** -- Schools, Private -- Add Association of Christian Schools International to list of schools setting standards of accreditation or membership for church related schools. Amends TCA 49-50-801. by \*Hassell, \*Joyce, \*Shirley.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 2818** -- Sunset Laws -- State election commission, June 30, 2000. Amends TCA, Title 2; Title 4, Ch. 29. by \*King, \*Kernell.

Passed first consideration.

**\*House Bill No. 2819** -- Sunset Laws -- University of Tennessee board of trustees, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 9. by \*King, \*Kernell.

Passed first consideration.

**\*House Bill No. 2820** -- Sunset Laws -- Insurance committee, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 27. by \*King, \*Kernell.

Passed first consideration.

**\*House Bill No. 2821** -- Sunset Laws -- State building commission, June 30, 2000. Amends TCA, Title 4. by \*Kernell.

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Passed first consideration.

**\*House Bill No. 2829** -- Naming and Designating -- "Tennessee" by Vivian Rorie, official state song. Amends TCA 4-1-302. by \*Knight.

Passed first consideration.

**\*House Bill No. 2831** -- Paternity -- Allows father to acknowledge paternity at hospital where child born; requires registry of all children legitimized by acknowledgement in juvenile courts. Amends TCA, Title 36, Ch. 2, Pt. 2. by \*Williams K.

Passed first consideration.

**\*House Bill No. 2836** -- Sunset Laws -- State funding board, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 9. by \*King, \*Kernell, \*Garrett.

Passed first consideration.

**House Bill No. 2857** -- Columbia -- Amends charter. Amends Chapter 380, Private Acts of 1972, as amended. by \*Napier.

Passed first consideration.

**House Bill No. 2858** -- Graysville -- Amends and rewrites charter. Amends Chapter 41, Private Acts of 1917, as amended. by \*Duer.

Passed first consideration.

**House Bill No. 2859** -- Johnson County -- Revises educational districts. Amends Chapter 183, Private Acts of 1949, as amended. by \*Cole.

Passed first consideration.

**House Bill No. 2860** -- McNairy County -- Establishes school districts co-extensive with county legislative body districts. Repeals Chapter 83, Private Acts of 1943. by \*Rinks.

Passed first consideration.

**House Bill No. 2861** -- Gatlinburg -- Grants authority to increase fines to \$500. Amends Chapter 84, Private Acts of 1945, as amended. by \*Huskey, \*Davis R E.

Passed first consideration.

**House Bill No. 2862** -- Jackson -- Revises charter relative to municipal civil service commission; deletes provision relative to police, fire and general administrative departments. Amends Chapter 167, Private Acts of 1969, as amended. by \*Kisber, \*Sipes.

Passed first consideration.

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**\*House Bill No. 2863** -- County Officers -- Abolishes office of constable in Jackson County. Amends TCA, Title 8, Ch. 10. by \*Winningham.

Passed first consideration.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 2150** -- Motor Vehicles, Titling and Registration -- Increases fees for special license plates from \$25.00 to \$30.00. Amends TCA, Title 55, Ch. 4. (HB 2298).

Held on the Clerk's desk pending third consideration of the companion House Bill.

**\*Senate Bill No. 2702** -- Constitutional Conventions -- Submits question of call to people; establishes process for convention. (HB 2607).

Held on the Clerk's desk pending third consideration of the companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 2854** -- Hamilton County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 2855** -- Kingsport -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 2856** -- Milan -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**PETITIONS AND MEMORIALS**

April 14, 1992

The Honorable Larry Cole  
Chief Clerk, Tennessee House of Representatives  
Tennessee General Assembly  
Nashville, TN 37243-0081

Dear Mr. Cole:

As Chief Clerk of the Wisconsin State Assembly, I have been

**MONDAY, APRIL 20, 1992 -- EIGHTY-SIXTH LEGISLATIVE DAY**

officially ordered to transmit to you the enclosed Assembly Joint Resolution 27 requesting:

Appropriate action by the Congress to propose an Amendment to the U.S. Constitution prohibiting the physical desecration of the flag of the United States.

This Resolution has been passed by both houses of the Wisconsin Legislature.

Respectfully,  
/s/Thomas T. Melvin  
Chief Clerk

**SIGNED**  
**April 20, 1992**

The Speaker announced that he had signed the following: House Bill(s) No(s). 1169, 2336, 2389, 2452, 2581, 2646, 2723, 2832, 2825 and 2833; House Joint Resolution(s) No(s). 590, 599, 632, 636, 637, 638, 639, 640, 642, 643, 644, 645, 646, 647, 648, 649, 652, 653, 654, 659, and 662; also, House Resolution(s) No(s). 160, 161, 184, 185, 187, 188, 189 and 191.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 666; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**  
**April 20, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2047; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1947, 1970, 2013, 2041, 2172, 2485, 2823, 2840, 2841,

**MONDAY, APRIL 20, 1992 -- EIGHTY-SIXTH LEGISLATIVE DAY**

2842 and 2849; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1169, 2336, 2389, 2452, 2581, 2646, 2723, 2825, 2832 and 2833; also, House Joint Resolution(s) No(s). 590, 599, 632, 636, 637, 638, 639, 640, 642, 643, 644, 645, 646, 647, 648, 649, 652, 653, 654, 659 and 662; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1714, 1716, 1815, 1857, 1859, 1890, 1899, 1900, 1908, 2137, 2170, 2197, 2292, 2327, 2357, 2455, 2488, 2505, 2537, 2609 and 2697; also, Senate Joint Resolution(s) No(s). 364, 400, 428, 434, 435, 437, 452, 457 and 464; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**  
**April 20, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2572; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**April 20, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2115, 2334, 2664, 2845 and 2851; also, House Joint Resolution(s) No(s). 471, 472, 473, 520, 567, 593, 610, 631, 674, 675 and 677; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**April 20, 1992**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1714, 1716, 1815, 1857, 1859, 1890, 1899, 1900, 1908, 2137, 2170, 2197, 2292, 2327, 2357, 2455, 2488, 2505, 2537, 2609 and 2697; also, Senate Joint Resolution(s) No(s). 364, 400, 428, 434, 435, 437, 452, 457 and 464.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 772, 1150, 1609, 1770, 1776, 1801, 1813, 1824, 1830, 1835, 2002, 2047, 2121, 2231, 2335, 2427 and 2572; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2417, passed by the Senate.

CLYDE W. McCULLOUGH, Jr.,  
Chief Clerk.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**  
**April 20, 1992**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2854, 2855 and 2856.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**  
**CONSENT CALENDAR**  
**April 20, 1992**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Wednesday, April 22, 1992**: House Joint Resolution(s) No(s). 678, 679, 680 and 681; also, House Bill(s) No(s). 2854, 2855 and 2856.

PHILLIPS, Chair.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 1:00 p.m., Wednesday, April 22, 1992.